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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 04/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/829,645

Applicant(s)

PETTA ET AL.

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/26/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Applicant's election without traverse of Group I-claims 1-18 in the reply filed on 2/13/2006 is acknowledged.

The applicant's information disclosure statement dated 5/26/2004 has been considered and a copy has been placed in the file.

The status of the claims is as follows:

Claims 1-18 are herein addressed below; and

Claims 19-26 have been cancelled.

The disclosure is objected to because of the following informalities: the applicant should include the continuation data (updated) at the beginning of the specification.

Appropriate correction is required.

Claims 1-6, 8, 9, 11, 12, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 2-3, is "a glazing unit" the same glazing unit that's recited in claim 1, line 1? Throughout claims 1-6, the applicant recites "a glazing unit" and "a sash". Are these the same glazing unit and sash that has been previously recited or are there two glazing units and sashes? In claim 3, line 3, the phraseology "said recesses comprising recesses" is not readily

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understood by the Examiner. In claim 8, lines 2-3, is "a casement window" the same one that is recited in claim 7 or are there two casement windows? In claim 17, line 4, the applicant recites "a locking mechanism". Is this the same locking mechanism that's recited in claim 16 or are there two different locking mechanisms? There is a lack of antecedent basis for the following: In claim 3, line 1, "the form", claim 4, line 2, "the inner perimeter", In claim 11, line 3, "the open area".

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

As best understood, claims 1-10, 12/10, and 13 are further rejected under 35 U.S.C. 102(b) as being anticipated by Klimek (5,553,420). Klimek ('420) discloses a plastic (column 1, lines 31-67) window frame (12) and sash (14) assembly (10), a locking bar (92) having barbs (94 and 96), grooves (in elements 91 and 93) which enable the locking bar to slide, slots (non circular recesses, 98 and 100) provided for engagement with barbs (94 and 96), and a window operating control (80, 82, and 83) for moving the swinging sash (14) between open and closed positions.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.


As best understood, claims 11, 21/11, and 14-18 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Klimek ('420). All of the elements of the instant invention are discussed in detail above except providing hinge mounting areas. Klimek ('420) discloses a hinging axis (A-A) in which the sash (14) is pivotally mounted. Although Klimek ('420) fails to specifically disclose hinge mounting areas, it is inherent that the sash of Klimek ('420) has hinge mounting areas since a swinging closure and more specifically, a swinging closure which pivots about axis A-A has hinge mounting areas thereby enabling the sash to pivot about a vertical axis with respect to the frame (12).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. patent to Mauro discloses a plastic sash and frame assembly similar to that of the applicant's invention. U.S. patent to Boesch discloses a plastic sash and frame assembly similar to that of the applicant's invention. U.S. patent to Menegazzo discloses a plastic frame assembly similar to that of the applicant's invention. U.S. patent to Bellart discloses a plastic sash and frame assembly similar to that of the applicant's invention. U.S. patent to Herrmann et al. disclose a plastic frame assembly similar to that of the applicant's invention.

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Any inquiry concerning this communication should be directed to Jerry Redman
at telephone number 571-272-6835.



Jerry Redman
Primary Examiner